

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

HEATHER NELSON,

Plaintiff,

v.

Civil Case No.: 3:11-cv-307

**SANTANDER CONSUMER USA, INC.,
PATRICK K. WILLIS, CO., INC. d/b/a
AMERICAN RECOVERY SERVICE, and
ASSETSBIZ CORP. d/b/a ABC RECOVERY,**

Defendants.

**PLAINTIFF'S MOTION IN LIMINE NO. 5 -- MOTION IN LIMINE TO PROHIBIT
SANTANDER FROM RAISING THE AFFIRMATIVE DEFENSE OF CONSENT**

Plaintiff moves the Court for an order prohibiting defendant Santander Consumer USA from raising the affirmative defense of consent.

ARGUMENT

In its March 8, 2013, Opinion and Order, the Court denied defendant Santander's motion for leave to file an amended answer raising the affirmative defense of consent. (pp. 11-14; Dkt 141) Because the Court has already decided this issue, Santander should be prohibited from offering evidence or making arguments that plaintiff gave Santander consent to call her on her cellular telephone.

Respectfully submitted this 13th day of May, 2013.

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